

THE OHIO STATE UNIVERSITY COLLEGE OF LAW  
1890 - 1970

The Centennial Historian for the College of Law, Clarence D. Laylin 06', furnished most of the material for this report, which was supplemented by the research of Associate Dean Albert M. Kuhfeld. However, they did not participate in the final editing.

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## Origins

If you wished to study law in the Ohio of 1870, you found a lawyer who was willing to take you into his office as a pupil-apprentice. This was called "reading" law. But at several nearby universities law schools had been established and others were beginning to spring up. For want of a better arrangement, a group of prospective lawyers in Central Ohio organized lectures on real estate law. In the fall of 1890, two young Columbus law clerks, Mr. F. P. Jackson and Mr. C. W. Voorhees, took the initiative in organizing group study of real estate law. With eighteen other law clerks, they formed the Law Students Club, and the Club grew until it had nearly forty members, most of them law students or young lawyers. With dues of six dollars from each member, they were able to employ Dr. O. W. Aldrich, LL.D., D.C.L., to give a series of twelve lectures on the subject of Real Property. After attending such lectures, the students concluded that the Club "ought never to be satisfied until the State University has organized a Law School."

It was during this period that a committee of the American Bar Association reported:

There is little, if any dispute now as to the relative merit of education by means of Law Schools, and that to be got by mere practical training or apprenticeship as an attorney's clerk. Without disparagement of mere practical advantages the verdict of the best informed is in favor of the schools.

As early as 1882, a committee of the Ohio State Bar Association reported:

Your committee has found no difficulty in arriving at the

conclusion that the foundation of such an institution (law school) is not only expedient, but in all respects highly desirable--nay, almost imperative. . . . No want is at this time more pressing or imperative in its demands.

This was in response to a resolution of the American Bar Association in 1879 that the State Bar Associations "be requested to recommend and further in their respective states the maintenance, by public authority, of schools of law."

By the latter quarter of the century some twenty State universities had provided for law departments. The Trustees of The Ohio State University began to be attracted to the idea of some kind of formal instruction in law. They expected no more than a teaching corps consisting of practitioners and judges of the community, regularly organized under the aegis of the University, according to the type then prevalent.

So it was that on June 22, 1885, the Trustees of the University adopted the following resolution:

RESOLVED, that the president of the board, the president of the faculty, and the chairman of the executive committee be appointed a committee to secure the services of legal gentlemen of competent talent who may be willing to give their service free of charge, and by their aid establish a course of lectures on law, to be given in the course of the ensuing year . . . . (Emphasis supplied.)

The resolution had been offered by Mr. Peter H. Clark, who was the first, and until 1969 the only, Negro to serve on the Board of Trustees of The Ohio State University.

Perhaps the qualifying clause "free of charge" accounts for the time it took to give life to the 1885 resolution, but it was not until June 23, 1891 that a law school was organized, to commence operation in the fall of that year.

On June 17, 1891, an article had appeared in the Lantern--then as now the campus newspaper--supporting those who were seeking the establishment of a law school at the University. The article said:

A good law school is the best place for the study of law.

The old dispute as to schools or office is about settled and in the language of the American Bar Association "the verdict of the best informed is in favor of the schools" . . . .

Because the question of the cost of operation of the proposed law school was being raised frequently, the Lantern story gave this assurance:

A sufficient number of competent lawyers in the City of Columbus (including some of the best) have signified their willingness to do the work necessary in connection with the University for a compensation that would bring the total cost within \$10,000 per year.

Six days later, the Board of Trustees of the University unanimously agreed: "that a Law Department be established in the University, and that the fees received from the students in such department be appropriated for its support."

The Honorable Marshall J. Williams, a Judge of the Supreme Court of Ohio, was selected as dean and Mr. Horace L. Wilgus as secretary and full-time instructor. Professor Wilgus was to become one of the all-time distinguished leaders in alumni affairs.

Dean Williams served without compensation and Mr. Wilgus was to receive \$1800 a year for his administrative work and his teaching. With them were a number of well-known Columbus lawyers serving as part-time instructors. Among these men were George K. Nash, David F. Pugh, I. N. Abernethy, D. K. Watson, J. H. Collins, O. W. Aldrich, E. L. DeWitt, J. Paul Jones, Thomas J. Keating, Emmett Tompkins, Cyrus Huling, R. H. Platt, J. A. McEwen, Benjamin Woodbury, David S. Kellicott, and Florizel Smith. An exception to the rule of lawyers teaching part time was Professor George W. Knight, chairman of the American history and political science department. His assignment was constitutional law.

The school was opened on October 1, 1891 with public exercises in the evening in the Board of Trade Auditorium. Rev. William H. Scott, the President of the University, presided; prayer was offered by Dr. Washington Gladden; Judge Williams gave a short address; and the Honorable Richard Harrison spoke for the bar of the State.

The Board of Trustees of the University, on October 14, 1891, adopted a comprehensive resolution setting out the rules and regulations applicable to the newly established school of law. The resolution stated the general plan for the school as follows:

It is the purpose of the school of law to furnish such a legal training as will secure the most favorable judgment of the profession, and such as will fit students for practice in any part of the country. The methods of instruction will aim to combine the advantages of all approved systems and appliances,-- the lecture system, the text-book and recitation system and the case system; charts, outlines, analyses, essays, note-books,

oral and written lectures, reviews, examinations, exercises in drafting contracts, abstracts, conveyances, wills, protests, mercantile contracts, pleadings, indictments and other legal papers, critiques, briefs, arguments in moot courts, courses of reading, etc. Particular attention will be given to the study of leading cases and their accurate analysis, so as to get at precisely what was in issue, what was necessary to be decided, what was dictum, etc. The two fold object will be kept constantly in view, viz: To teach an accurate knowledge of the principles of the law, and to illustrate the application of these principles to the practical affairs of life,--to teach students both to know and to apply the law. The instruction offered includes an undergraduate course continuing two years of nine months each, and a post-graduate course of one year. The former will require not less than fifteen hours of lecture and recitation work per week, and will embrace all the elementary and practical studies necessary for admission to the bar of any state administering the common law. The post-graduate course is designed for those seeking special instruction in a particular line, or desiring to take a course of a more extensive and general character.

During the first year of classes, some of the members of the faculty found that they could not continue with their commitments and S. C. Jones, E. O. Randall, and Edward N. Huggins were added. When Judge Collins on occasion was unable to meet his classes in Corporations, he had his friend, Judge William F. Hunter, fill in for him. In March, 1892, Mr. R. H. Platt

found it impossible to complete his work in Sales and Bailments and resigned, upon the "unanimous request of the senior class." Judge Hunter was appointed to replace him.

The announcement of the establishment of the law school stated that undergraduate students in the University could pursue a course of study leading to the obtaining of both the undergraduate and law degrees in five years. Such a program was offered then in two or three of the Eastern universities. This program was challenged by the University Faculty when it convened in the Autumn of 1891 and the University Faculty voted against it, with an exception for students who entered the program in that one year. It was much later that a combined program was reinstated in the University.

The first class opened with thirty-three students, including one woman. Twenty-eight students were admitted to the senior class, having completed their first-year work elsewhere, and there were two post-graduate students. At the end of the year, the LL.B. degree was conferred upon eleven graduates and nine were given certificates of completion of the course. Two of the graduates of the first class, E. O. Randall and William H. Page, subsequently became members of the faculty of the law school.

The new department faced a constant struggle to meet its expenses out of tuition income. The then chairman of the Board of Trustees, former United States President Rutherford B. Hayes, personally pledged \$300 to help meet expenses, as did other members of the Board. In January of 1893, the faculty seriously considered closing the school and refunding the tuition paid by students.

On January 1, 1893, Mr. Hayes offered the following resolution:  
"That the Board of Trustees will provide a course of law lectures at the

University the next academic year, and will pay therefor \$1500; the same to be delivered by the instructors of the law school."

Although the resolution was adopted, it fell short of providing a reasonable compensation to the faculty. Despite legislation authorizing the Board of Trustees to appropriate annually up to \$5000 in addition to fees, the Board did not act. Many members of the faculty announced their intentions to resign at the end of the year. Judge Williams did resign and Judge Hunter was appointed on July 12, 1893. His salary as dean was \$600 for the year. Mr. Wilgus, who continued as secretary, was paid \$300, and the other faculty members were to be paid at the rate of four dollars per instruction hour "if the funds permitted." In June 1894 the salary of the dean was fixed at one-third of the income of the school, the secretary's salary at two-thirds that of the dean, and the balance of the income was to be divided among the other members of the faculty. The expected income for the year was \$6000. There were only sixty-five students that year. The next year there were 115.

Full-time law teachers were not plentiful in the middle west. The University of Michigan, which was increasing the number of resident full-time instructors on its faculty, persuaded Professor Wilgus to leave Ohio State for Ann Arbor in 1896. Though he held no law degree, he remained a member of the Michigan faculty for thirty-four years. He visited The Ohio State University campus in 1903 to participate in the ceremonies to dedicate Page Hall. He spoke on "Founding of the College of Law of The Ohio State University." Professor Wilgus was succeeded as secretary and full-time instructor by William Herbert Page, a young Columbus lawyer who had done graduate work in the new school. He soon became esteemed as a leader of the faculty.

In 1896, the law department became the College of Law.



### Physical Quarters

The first classes, in the autumn of 1891, were held in the Franklin County Courthouse, where the county law library was available for use. In 1894, the University made space for the school in Hayes Hall and later in Orton Hall, until the new Page Hall was ready for occupancy at the opening of the second semester in 1903. The College of Law took its two upper floors. (At that time, much breath had to be spent in explaining that the new building was not being named for "Billy" Page, the secretary of the College, but for Henry Folsom Page, a Circleville lawyer, whose bequest had made the structure possible. But Mr. Page had failed to survive the execution of his will for the statutory period requisite to sustain the charitable bequest; and it was the confirmation of the gift by his daughter, as sole heir at law, that was the decisive act.)

Though designed for occupation by the College of Law, Page Hall soon began to exhibit certain deficiencies. The flat floors of the principal classrooms were suitable for the textbook and lecture method prevalent when the building was constructed, but not for the Socratic method which came in with the casebooks; and the regulation student chairs with which the rooms were furnished did not easily accommodate casebooks and notebooks at the same time. So, at the suggestion of the faculty, the University trustees had slopping floors and curving bench desks installed in these rooms. Unfortunately, nothing could be done to improve research facilities in the library quarters.

Page Hall housed the College for over fifty years, or until 1958, when the move to the new building at the southeast corner of the campus began.

To more than 2500 of the alumni of the College, the long flight of front steps, the four crowded classrooms, the two small reading rooms, and the spacious hallways of Page Hall will always be synonymous with "studying law at Ohio State."

Several features of the new building deserve mention--adequate classroom, office, and meeting rooms; excellent library and research facilities. Co-chairmen of the building committee were Professors Norman D. Lattin and Ervin H. Pollack. Perhaps unique is the extensive portrait gallery of oil paintings, commissioned by various alumni and friends of the College. One room, the moot court chamber, now exhibits on its walls portraits of five Ohioans who have been and one who is a member of the Supreme Court of the United States. The portrait of William Howard Taft was presented to the College by General Carlton S. Dargusch '26 and Carlton S. Dargusch, Jr., '51. The portrait of William Rufus Day was presented by Luther Day and Rufus S. Day. The portrait of Potter Stewart was presented by Isadore Topper '27. The portraits of Harold Hitz Burton and Salmon Portland Chase were presented by Carter C. Kissell '27. The portrait of Morrison Remick Waite was presented to the College by Thomas F. Patton '26. Those of Burton and Stewart were painted from life.

One of the study areas contains the portraits of four of those who have been chosen by the students of the College as Distinguished Alumni. These are of Isadore Topper '27, presented by a group of his friends; of Clarence D. Laylin '06, presented by David H. Shawan '60, Isadore Topper '27, Richard N. Larrimer '25, and Gavin R. Larrimer '61; of C. William O'Neill '42, presented by Thomas F. Patton '26; and that of John W. Bricker '20, presented by Isadore Topper '27. In another study area hang the portraits of former deans: William F. Hunter, Alonzo H. Tuttle, George W. Rightmire, John Jay Adams, Herschel W. Arant, Harry W. Vanneman, Arthur T. Martin, Jefferson B. Fordham, and Frank R. Strong.

### Administration

The modern era in the administration of the College was inaugurated by Judge John J. Adams, of Cambridge, Ohio, who had the longest tenure of all those who have been dean. He succeeded George W. Rightmire, who had been acting dean in 1908-1909, and served until his death in 1926.

There have never been departments in the College. Administration is a function of the faculty headed by the dean. But before Dean Adams, most of the faculty were part-time teachers. Even the first dean, Judge Williams, was only part-time. When his successor, Judge Hunter, took office in 1893 upon Judge Williams' resignation, Dean Hunter became a full-time member of the faculty, so serving until his death in 1903. Under him, in 1901, the College became a charter member of the Association of American Law Schools. Dean Joseph P. Outhwaite also served full-time from 1905 until his death in 1907, with Professor George W. Knight acting as dean both before and after his term, until Professor Rightmire filled in as acting dean before Dean Adams.

Dean Adams promptly converted the faculty to a predominantly full-time basis. The Trustees had so directed him, upon President Thompson's recommendation. Five years later, in 1914, he led the faculty in the initiation of the elective system for courses after the first year, a system that endures essentially unchanged more than half a century later. He led the faculty in obtaining in 1915 a College chapter of the Order of the Coif. In 1916 he had recruited, in addition to Professors Page and Rightmire, Alonzo H. Tuttle, William B. Cockley (soon to be succeeded by J. Warren Madden), and Clarence <sup>B</sup>~~P~~. Laylin. Professor Rightmire was to become President of the University in 1926, serving until 193<sup>8</sup>~~9~~.

After Dean Adams, Professor Tuttle served as acting dean. When he fell ill, Professor Laylin succeeded him in that capacity, serving from May 9, 1928 until the end of that year. Then came the appointment as dean of Herschel S. Arant, whose ten years in the office came to an end in 1939 when he resigned to accept appointment to the federal appellate bench. Thereupon a committee consisting of Professors Arthur T. Martin, Silas A. Harris, and Robert E. Mathews for a brief period discharged the decanal duties. Professor Martin was appointed dean in 1940 and his tenure ended with his death in 1946.

Dean Arant took an active part in organizing the League of Ohio Law Schools. It came into existence in 1934, with Ohio State a charter member. He became president of the Association of American Law Schools in 1938. Dean Martin served as its secretary-treasurer from 1942 to 1945 and was president-elect when he died.

Professor Harry W. Vanneman was acting dean in 1947-1948 before the appointment of Jefferson B. Fordham. During Dean Fordham's tenure and under his leadership an organization of law alumni was formed. Professor Laylin in 1948 became its first president. Dean Fordham is responsible for placing the Law Journal on a permanent footing at the center of legal studies under student leadership and control. Also under Dean Fordham a special importance in the curriculum was accorded seminars, which have remained a substantial part of the instructional program. In 1952 he resigned to accept the deanship at another law school.

Professor Frank R. Strong had joined the faculty in 1937. In the early 1950's he gave concrete form to the principal architect of the philosophy that inspired curricular interest in law schools throughout the nation.

After eight months as acting dean he was in November 1952 appointed dean. In addition to his leadership in curricular reform he imparted momentum to the field of post-degree education of practitioners, leading in the formation of the partnership of the University and the State Bar Association known as the Ohio Legal Center Institute. During his tenure also the National Council of the College of Law was created, in 1961. This body is the active arm of the Law Alumni Association, providing the leadership in alumni support of the College.

Dean Strong added to the administrative complement an associate and an assistant dean, an arrangement which still exists. He maintained the tradition of his predecessors in rendering service to associations that undergird law schools, including a term in 1952-1953 as president of the League of Ohio Law Schools and service in like office for the Association of American Law Schools in 1960. His associate dean, Professor Robert J. Nordstrom, served as League president in 1960-1961, and so in 1967-1968, did Strong's successor, Dean Rutledge.

The completion of what was perhaps Dean Strong's most arduous project culminated in the dedication of the present building on April 21 through 23, 1960. He became emeritus in 1965 after laying the foundations for and getting on its way a program of financial assistance for students under the National Council.

### The Faculty

First, there were the instructors at the turn-of-the-century stage, the predominant type of teacher being the judge or the practicing lawyer teaching part-time. As these were seen from the classroom desk, it may be in order to mention two as examples: Emilius Ovatt Randall, the Reporter of the Supreme Court, who was a man of humor with a scholarly bent, co-author with Daniel J. Ryan, Ohio Secretary of State, of History of Ohio, in 1912; John A. Shauck, Judge of the Ohio Supreme Court, a conservative among conservatives, an avid but inept golfer, and a teacher who in his Equity course employed at the outset a device that may be regarded as unique, dictating to the class a definition of equity which he told his students to commit to memory because it was an epitome of the whole course!

Of course, many prominent scholars and practitioners have, over the years, conducted special classes and given special lectures; but the two who have been mentioned were typical of a full-faculty-status group characteristic of the beginnings of many a law school and long since non-existent.

An early highlight was the dedication of Page Hall in 1903, when the faculty consisted of Dean Hunter, Professors Randall, Shauck, Page, Knight, Rightmire, and Professors James H. Collins and Edgar B. Kinhead.

A Slight Interruption (Inter armas leges silent). In the fall of 1917, only two students applied for admission--one blind, the other an invalid. Operations were suspended until the next fall for lack of students, and in the summer of 1919 the school offered work for the benefit of returning veterans.

The faculty's service to the country in World War II deserves a brief summary: Professor Robert E. Mathews, who had served as captain in France during the first World War and had been awarded the Silver Star and Purple Heart, returned to wartime duty first as chairman of Franklin County draft board No. 18. In 1942 he joined the Office of General Counsel of the Board of Economic Warfare. He also served the Foreign Economic Administration. In 1943 he was a member of the Labor Mission to Bolivia. In 1944-1945 he was Associate General Counsel of the National War Labor Board, becoming public member and co-chairman of its Appeals Committee in 1945. Professor Norman D. Lattin had been an infantryman in the first World War, and returned to military duty as a lieutenant colonel, serving on assignments overseas in the Judge Advocate General's Corps. He was decorated with the Bronze Star Medal. Professor Robert M. Hunter had also served in World War I with the famed Rainbow Division. He thus sustained a permanent back injury. His return to wartime service in World War II was with the Department of Justice. As a representative of that department he went to Japan as a member of the Zaibatsu Commission to advise General MacArthur on control of monopolies in Japan. Professor William H. Rose also served with the Department of Justice in Washington, D. C. Professor Strong became consultant to the War Department Civilian Legal Personnel Committee. Professor Roland J. Stanger served with the Office of Price Administration, the Board of Economic Warfare, and the Foreign Economic Administration in Washington, South America, and the Middle East. Those who remained in Columbus, Dean Martin, Professors Silas A. Harris, John E. Hallen, and Harry W. Vanneman, served the war effort in many consultative capacities.

The Faculty Out of Uniform. The faculty, beginning with Dean Arant, has been notable for its contributions to the field of professional responsibility. Professor Mathews has carried on his tradition, not only in his classes but in his research, publication, and contributions to conferences and institutes. In the field of scholarship the name of Lewis M. Simes is synonymous with future interests and similarly that of Norman D. Lattin with commercial law. Professor Mathews is also a part of the Ohio State contribution to the presidency of the Association of American Law Schools, having served in that capacity in 1952.

The period since World War II has been characterized by growth of the faculty to thirty full-time members, including Professors Charles C. Callahan, Robert L. Wills, Ervin H. Pollack, Robert J. Lynn, and Robert J. Nordstrom, who joined the faculty during or soon after the war. Also added during this time as adjunct professors were C. Emory Glander and Joseph S. Platt, along with some fifteen other distinguished Columbus practitioners who supplement the teaching program with training in specific legal skills. Twenty of the current faculty have been added since June 30, 1965.

Through the efforts of the faculty men named here, and others who should be mentioned if space would permit, nearly five thousand students have acquired academic background for effective membership in the profession.



Curriculum and Methods of Instruction

In the early days, the student began with a course called "Elementary Law," consisting of lectures, readings in Blackstone's Commentaries, Walker's American Law, and assigned Ohio cases. This was accompanied by other beginning subjects then familiar, such as contracts, torts, real property, agency, and criminal law. These courses also used textbooks and assigned cases, under a system of lectures, then referred to as the "old method," or under the "Dwight Method," described as consisting of "recitation, exposition, and quiz." The "Harvard Method" or case system came into its own under the full-time faculty with Dean Adams, the preference earlier going to the Dwight Method.

From 1891 to 1895 the program was two years. At first a high school diploma including a course in American history sufficed for admission to the program. However, after 1894 two years of pre-legal college studies were necessary to enter the program for the LL.B. After 1895, the law school program was enlarged to three years. This enlargement met with some concern, as shown in the faculty minutes for August 28, 1895:

The applications of several students, desiring admission to the Law School with a view to graduation, revived the question once more of the requisites for a degree of graduation.

Dean Hunter reminded the faculty that the high standard of our requirements was preventing the attendance of many who were going to Cincinnati, Ann Arbor, and Eastern schools, where the requirements were not so exacting as our own. He thought the extension of the course of study from two to three years made

it still more necessary that the requirements for graduation with a degree be modified.

The thesis requirement for the LL.B. was abolished in 1905. Students who prior to 1905 failed to complete the thesis, and students whose admission credentials did not include two years in college, were awarded a certificate of completion of their professional studies. A student seeking admission as a non-degree student could qualify by examination after 1894, or in a number of other ways, including having been successful on any federal civil service examination. (Admission to the practice of law in any State was another alternative.) The last certificates were awarded at the June commencement of 1919.

A program for the LL.M., or certificate if the student had not received the LL.B., was terminated in 1905. An LL.M. program was again projected in 1951 but withdrawn the next year.

An Arts-Law program requiring six years for the two degrees was established in cooperation with the College of Arts, Philosophy, and Science in 1905, and other universities with similar colleges availed themselves of this option beginning in 1914. In 1926 a Commerce-Law program was initiated in conjunction with the College of Commerce and Journalism.

The long period during which only two years of college work was required for admission came to an end in 1937, so that thereafter six years of pre-legal and professional studies were necessary for the LL.B., whether or not in a combined program under which one could also obtain a non-professional baccalaureate. Finally, in 1960 the baccalaureate was established as an admission requirement, superseding the combined degree programs.

Before the turn of the century a policy had been evolving to withhold the LL.B. from a student who had not passed the Ohio bar examination. (No question seems to have arisen as to whether passing the examination in another state would suffice.) On March 8, 1902, the faculty amended this requirement so that: "all students who have not regularly attended the full course of three years at this University, or who have not been examined here in all the subjects required in the course, must pass said Supreme Court examination before they can receive the degree or official certificate aforesaid." Success on the bar examination was entirely eliminated as a degree or certificate requirement in 1913.

The advantage of a non-professional baccalaureate degree was recognized as early as 1910, when the degree Juris Doctor was approved for students who also had a non-professional baccalaureate. In addition, for this degree the candidate must have attained twenty-one years of age, attended the law school for all three years, and completed the law course "with merit" in at least half the work. The first four Juris Doctors were graduated in the June commencement of 1912.

During the next half-century the faculty from time to time changed the qualitative requirement concerning superior grades, and in 1955, the requirement of the baccalaureate prerequisite was dropped, making the Juris Doctor exclusively an honors degree. In 1959 the requirement was changed from sixty to sixty-six hours of work graded "A." In 1967 the LL.B. was eliminated, leaving J.D. as the sole degree. It was made available retroactively to graduates with the LL.B., if they had attained the non-professional degree prior to their graduation from the College of Law. At the Diamond Anniversary Confocation on April 22, John G. Ketterer, Esquire, of Canton, Ohio, J.D. 1925, was awarded the diploma Juris Doctor Summa cum Laude, betokening its

availability retroactively to previous graduates Juris Doctor, and the Honorable C. William O'Neill of the Ohio Supreme Court, LL.B. 1942, was awarded the Juris Doctor, responding in behalf of alumni eligible for the retroactive degree as graduates with the LL.B. An interested witness was William B. Cockley, Esquire, formerly professor of law with Dean Adams and colleague of Professors Page, Rightmire, Tuttle, and Laylin.

The magisterial influence of the case method of instruction, which was first given its real opportunity in the College with Dean Adams' full-time teachers, foreshortens the history of curriculum and methods of instruction. It remains to this day close to the center of the first-year work. There is also a remarkable stability of the topics identified as having academic priority for the profession, especially in the first year.

The University's seventy-fifth anniversary in 1945 gave rise to presentation of the work of the second important curricular revision at the College. The first, after Dean Adams and his colleagues had given primacy to the case method, had been reported in 1939. One of the themes of the new proposals was balancing the work of the legislative and administrative institutions of government with that of the judiciary. The products of a Symposium on Developments in Legal Education found its way into the Journal in 1949. The law school curriculum committee, under the chairmanship of Professor Strong, had advocated that: "In the third year, the student should be ready for training in solving legal problems." Among<sup>a</sup> the specific recommendations was the canonization of criminal law as a second-year required course, instead of an elective that could be taken in either the second or third year. (It has recently been moved from a first-year required course to a second-year elective.) But details of this order are merely by-products of the

architectural design. In general it subdivided the major legal capacities into: legal information and insights; legal skills, dialectical and technical; and the activities of counselling, negotiating, contesting, and planning. The theory assigned primacy to fact differentiation in the first year and left for the later years development of skills and insights, with increasing attention to problems of social values.

It will be seen that the informational, or what it is needful for the lawyer to know, is but one among many of the goals to which the curriculum-maker is to be attentive. The faculty then definitely conceded curricular omission of "Legal Advocacy: Argumentative," but provided for it in an informal way. In this connection the discussion below of the later success of moot court is enlightening. The report also looked forward to experimentation to assist in the decision whether it would be feasible to incorporate a course in negotiation. At least one seminar since has regularly undertaken simulated negotiation, and of course the Clinic activities include negotiation, which is essential to serving the client.

Readiness to solve legal problems had actually been anticipated by the students and the two Columbus organizations, the Barristers' Club and the Family Service Bureau, whose 1934 project is described below. Beginning on March 1, 1935 and counting into 1969 some 2500 students have participated in Clinic as a curricular component.

Primacy of the academic mission, which includes inculcation of professional responsibility, most concretely in terms of fidelity to the cause of the client, has been increasingly stressed. In 1966 the change of name from Legal Aid Clinic to Legal Clinic symbolized a new policy of rigorous selection of problems to be undertaken by the Clinic under criteria that

would enhance the value of the caseload borne by the Clinic in terms of its commitment to legal education.

In support of the efforts of the schools to bring students into contact with clients in the educational context, the League of Ohio Law Schools in 1968 proposed an amendment of court rules by the Ohio Supreme Court. This amendment was intended to authorize increased student participation in litigation. Subsequently the Ohio Supreme Court accepted essentials of the proposal and amended the rules accordingly.

The main currents of thought influenced by the 1949 work unmistakably evince reaction against it, vital and creative reaction. At the outset, in 1950-1951, a student was confined to required courses in the first and second years, and to three in the third, so that only from nine to eleven hours out of the 130 required for graduation were electives. There were nineteen such electives from which to choose, representing fifty-seven credit hours. In addition, there were eight seminars from which one was required of the third-year student. In 1954-1955, the last quarter of the second year became elective. In 1959-1960, additional electives were made possible in the second year, and no corresponding increase in requirements in the third year was made. In 1963-1964, Constitutional Law was moved into the first year, leaving no required courses in the second and third year except that a student must take one seminar in legal planning, one seminar in legal research, and one course drawn from a group of courses in the area of comparative and international law. The last requirement has in the interim been dropped, leaving only the seminar requirement. The 1963-1964 revision preserved Clinic as a required course, but this requirement too has in the interim been dropped. On the other hand, the number of electives has risen to some sixty courses,

in addition to five types of planning seminars and some thirty-five subjects for research seminars.

The stimulus of the thinking at mid-century has been durable, particularly in its enhancement of the opportunity of an individual student to plan his career, and in its evolving effort to place skills and insights above content, even if in not so systematic a way as at first envisioned.

Content as such yields to an educational strategy keyed to development of understanding the place of law and the role of the lawyer in society. Statecraft, implicit in the problems of expanding legal service to all segments of society, of reconciling material abundance with the plight of families and their fragments impacted in the inner city, of harnessing the scientific management of information and the resources of technology to legal research, and the like, stimulates efforts to keep the curriculum relevant to the changing social order. At the Diamond Anniversary of the College in 1967, Professor Callahan's committee presents a series of seminars on "The Changing Role of the Lawyer: Its Meaning for Legal Education."

These challenges produce germinal experimentation in the seminars, with their sometimes novel content, such as may be found in work on social legislation or jurimetrics. They also pour new substance into the old "tried and true" titles for electives such as Evidence, Corporations, Taxation, or Trade Regulation.

One of the prime challenges to the curriculum-maker remains a balanced appreciation of what it is needful for a lawyer to know. The development of formal conferences for practitioners described as continuing legal education has a potential for shaping the pre-degree curriculum, insofar as mere doctrinal content is considered. What is needful for a lawyer to know becomes

the more complex question: When is the knowledge in question an apt subject of the educational venture: at the beginning, when the student begins his studies? Or in mid-career, when the judge, professor, or practitioner can more efficiently equip himself with the assistance of an instructional input?

In 1953 the College began to offer short courses to practitioners, and three years later assumed an active role in formation of the partnership of the State Bar Association, the State Bar Association Foundation, and the University, known as the Ohio Legal Center Institute. Its mission is two-fold, research and education, with special concern for the practicing bar. The educational component is principally devoted to the needs of practitioners, through programs ranging from a day to two weeks. These programs are offered throughout the state. Three members of the law faculty sit on its board of trustees, along with representatives of the Association and the Foundation, and members of the faculty participate in its offerings. They are active also in other projects for continuing education of the bar, but the Institute is the major vehicle for a contribution to the upgrading of professional competence that has few rivals either in the State or nationally. The number of conference participants has risen from 1,411 in 1963 to 2,723 in the year 1968. The sale of its publication most in demand had accumulated to \$30,940 in 1967.

### The Library

During the early years the purchase of each book for the library was a major event which demanded the time of all of the members of the faculty. In December 1891 the nucleus of the law library was formed by the gift



from Mrs. Noble of the law library of her deceased husband, the Honorable Henry C. Noble of Columbus. When the College moved into Page Hall in 1903, the library contained the Noble Law Library, the Emerson McMillin Law Library (which was founded by a gift of \$3,000 from Emerson McMillin in 1894 designated specifically for the law library), the Critchfield Law Library, and some five sets of the Ohio Code. The bulletin of that time described the law library as consisting of "some 3,500 well selected volumes." In Page Hall, the library was housed on the second floor, finally expanding to include two reading rooms (designated as the East and West reading rooms). The Page Hall library arrangements were less than ideal, providing limited reading and stack facilities.

The law library was then under control of the University library. As early as April 8, 1913, the law faculty adopted a motion asking that control be separated from that of the general library and that a member of the faculty be designated as law librarian. On January 20, 1914, the faculty again requested the President of the University to urge upon the Board of Trustees separate control for the law library. On November 7, 1919, the faculty approved a communication to the Legislative Committee on University Organization recommending a permanent librarian for the College of Law. These two forward looking recommendations bore fruit some three decades later.

In 1947 Professor Ervin H. Pollack came to the College as an accomplished librarian, succeeding Mrs. Gertrude Nesbitt. He found a library of 55,000 volumes. Operating under an autonomous system and with an enlarged staff, Professor Pollack began the work of pulling the library from its relatively modest state to a level of distinction. The collection quintupled to over

270,000 volumes in the succeeding twenty-two years. It is now the largest law library in the State of Ohio and is among the largest in the nation, ranking among the first half-dozen law school libraries in size. The library includes extensive holdings of British Commonwealth and American court reports as well as legislation, digests, periodicals, treatises, annotations, and specialized reports. Extensive sections in Taxation, Jurisprudence, and Labor Law are maintained. Special collections, including materials in foreign language, support scholarship in comparative law and in legal history. The Rare Book Room shelters over 2,000 volumes of historical and reference value. Being volumes of exceptional rarity, they required over two decades to acquire under Professor Pollack's scholarly direction. <sup>4</sup> Although the quintessence of the collection cannot be adequately described, a listing of a few significant volumes may be representative of its holdings. They include the first or other rare editions of such classic English writers as Blackstone, Coke, Bracton, Hale, and Selden. An outstanding representative of legal philosophy is the famous first edition of Thomas Hobbes' Leviathan (1651). The collection also includes one of the most rare and extensive collections of original English Yearbooks in the world. It contains a number of early English court reports, among them Coke's Reports (1604-1627), Fitzherbert's Reports (1565), and Rolle's Abridgment (1668). Rare editions of law dictionaries include the original Cowell's Interpreter (1607). Some of these volumes came from the private libraries of such famous English jurists and scholars as Sir Mathew Hale and Sir Frederick Pollock. Sixteenth and seventeenth century commentaries on the Justinian Code, such as those written by Pothier and Fabri, also are available. Numerous other rare publications, such as state laws, are part of these holdings.

This library is one of the first law libraries in the United States to be classified, and is arranged under a mnemonic scheme, created by Professor Pollack and his colleagues. The plan also is used in other American and in some foreign libraries. Professor Pollack was president of the American Association of Law Libraries in 1958-1959.

### Alumni and Students

On June 24, 1941 Professor Tuttle's bequest of \$5,000 was made "for the benefit of the College of Law for such purposes as are not usually cared for in the university budget." Isadore Topper of Columbus, J.D. 1927, the recipient of the first Distinguished Alumnus award in 1964, ultimately vindicated the insight thus expressed, providing the leadership for a program of financial endowment of resources above and beyond the provision made through the University budget. On the initiative of Mr. Topper, Dean Strong and two members of the class of 1926, Thomas F. Patton and Donald C. Power, the endowment program received new life beginning in 1961. The late widow of Professor Vanneman was also a generous founder during this period and subsequently two other friends of the law school have joined this distinguished group, Jacob E. Davis of Cincinnati and Jack W. Nicklaus of North Palm Beach, Florida. When Mr. Topper was honored with the title Chief Councillor at the Diamond Anniversary, the endowment had accumulated to \$217,000.

Many alumni have devotedly served the College as supporters of its interests, particularly to the end of helping students in financial need. To name those honored as distinguished alumni after Mr. Topper, they are: Clarence D. Laylin of Columbus, LL.B. 1906, formerly a member of the faculty,

in 1965; Mr. Patton in 1966; the Honorable C. William O'Neill, J.D. 1942, in 1967; Roger H. Smith of Toledo, J.D. 1940, in 1968; and the Honorable John W. Bricker, LL.B. 1920, in 1969. As the Centennial approaches, the University has established the John W. Bricker Professorship, the first such Chair in the College.

Through the efforts of the National Council and its Secretary, Kenyon S. Campbell, J.D. 1922, the endowment is on the second half of its first million. Mr. Topper continues his leadership as Chairman and Chief Councillor at Centennial time. Among the numerous benefactions enriching the cultural life of the College is the Herschel W. Arant Memorial. This benefaction supports the annual lecture on professional responsibility. It was established by the generous gift of a friend of the College, John W. Galbreath. This series was initiated in 1963. Its lecturers include Professor Vern Countryman of the Harvard Law School, who spoke on "Professional Responsibility of the Practicing Attorney," Joseph L. Rauh, Esquire, of Washington, D. C., "Unpopular Clients," James D. Donovan, Esquire, New York, "A Life in Law," Garry Bellow, Esquire, San Francisco, "The Lawyer's Role in the War on Poverty." Professor John F. Sutton, University of Texas Law School, "Games Lawyers Play," and William Pincus, Esquire, New York, "The Professional Responsibilities of the Lawyer."

The initiative of the students, as well as that of faculty and alumni, has played a vital part in the development of the College. In 1958 the Student Bar Association, which had been formed in 1934, initiated the Law Forum Series under a student-faculty committee. The first lecture was given by the Honorable J. Lee Rankin, Solicitor-General of the United States, the same year, but it was not until 1960 that the present format was established.

Beginning then, with Professor Callahan's three-part lecture on "Adverse Possession," the Series has contemplated an annual presentation on two or three successive evenings, yielding a University Press publication. Six such publications have appeared, and the seventh is in press.

Even before an official body was constituted as the Student Bar Association, the students of the first-year class obtained "permission to carry into execution a proposed honor system to be followed in the taking of final examinations." In 1932 the faculty approved as a charter of self-government the honor code proposed by the students, one of the first in the nation. Revisions adopted by the students were given faculty approval in 1954 and again in 1964, minor amendments being similarly made in 1965 and 1968.

The early 1930s were a period of important beginnings under student initiative. This included the Legal Aid Clinic sponsored at the outset in 1934 by the Student Bar Association under the leadership of Julius Schlezinger, LL.B. 1935, with the Columbus Barristers' Club and the Columbus Family Bureau. The Student Bar Association selected one of its number as chairman, the Barristers' Club provided professional supervision of the student and made appearances in the courts, and the Family Bureau supplied social investigative and counselling services. The office, located in the Family Bureau at 337 South High Street, was open three days a week, shortly changed to an evening a week and soon thereafter taken over by the College under Professor Harris as director, with an office in Page Hall.

The present Legal Clinic thus derives from student initiative. The professional characteristic of this initiative is a lawyerly concern for social problems. Although its specific form was carried over into a curricular feature of the instructional program, students at the College have continued

to apprentice themselves to professional responsibility. For some years they have assumed responsibility for orientation of the beginning students under the leadership of the officers of the Student Bar Association. The members of the Honor Council as well as members of the Moot Court Governing Board and the Journal Board of Editors, institutions recounted below, have also participated in this activity. Its purpose is to begin the induction of new law students into the traditions of the profession.

The Student Bar Association presents the annual Law Day, with its principal address, award of honors, and moot court hearing, culminating in the Barristers Ball. This final event is increasingly a focal point for class reunions of alumni as well as a social high point for meeting of alumni and students. In 1965 the Student Bar Association assumed responsibility for the Buckeye Barrister, a student newspaper earlier published under faculty auspices. In the new undertaking it serves alumni as well as students, making it the successor to the Record, theretofore the principal law alumni publication. Alumni contributions under the leadership of the National Council supplement student dues to make possible these student-managed enterprises of direct concern to alumni.

An important element of the life of the College came into being in February 1955 with the establishment of the Law Wives Club. The dean's and associate dean's wives, Mesdames Strong and Nordstrom, helped to usher in this new venture. It has become a vital service organization, contributing to mutual understanding of the problems of the students and their wives, and generously affording the College efficient and gracious hospitality in the discharge of many of its social obligations.

The enrollment of women at the College of Law, beginning with the first class, has never been large. In the largest graduating class, that of 1968,

of the total of 177 graduates there were three women. An earlier peak was reached in 1951, with 131 graduates, of whom four were on the distaff side.

At least five professional fraternities are known to have existed at the College, Phi Delta Phi, established in 1903, Gamma Eta Gamma in 1920, Phi Alpha Delta and Tau Epsilon Rho in 1921, Delta Theta Phi, and Kappa Beta Pi in 1926. Gamma Eta Gamma and Delta Theta Phi are no longer active.

The moot court program has moved in the opposite direction from the clinic program, with student sponsorship increasing over the years. At the beginning in 1891 or 1892 one of the part-time professors was designated Judge of Moot Courts. Academic credit recognized participation in the second and third years, beginning in 1904. A proposal in 1919 of a program for the first two years with paid student supervisors was rejected. The first student-sponsored competition seems to have been held in 1938. Faculty supervision and instruction was supplemented in 1950 with management by the Student Bar Association, but two years later it was displaced by a student-selected Governing Board, independent of the Student Bar, and this plan has endured. Since 1967, participation has been required only in the first year. The Board is responsible for the voluntary completion that produces the representatives to the regional and national rounds, which are sponsored by the Bar Association of the City of New York for over a hundred participating schools. In this competition, the College teams have achieved first place nationally in 1960 and again in 1964. Measured in these terms, only one other law school is thus far as strong a competitor.

The Board instituted an annual banquet in 1966, with the Honorable Warren E. Burger, since elevated to the office of Chief Justice of the United States, as speaker.

Faculty action put to an end the first student publication, the "Senior Law Review," in December 1908. Subsequently, Professors Tuttle and Cockley were appointed to consider the advisability of an "Ohio Law Review" and on June 9, 1911 reported that it was "at present not advisable." A faculty proposal in 1919 of a legal periodical did not find favor with the Legislative Committee on University Organization. Later, in 1929, the initiative came from the Board of Trustees, who asked the faculty for information "concerning the cost of establishing and maintaining a Law Review." On February 15, 1935, the faculty appointed from the second year class a nine-member Board of Editors. It appears that the students had that year established the Law Journal of the Student Bar Association, and that the Board was to serve this Journal. For two years prior to this time Professor Mathews had provided access to the Ohio Bar for student notes. The publication of this Journal was suspended from 1942 to 1946, and in 1948 it was renamed the Ohio State Law Journal.

Under the new name it has achieved increasing stature under a student board of editors who choose the members of the staff and their officers and successors. As in other law schools, its autonomous student character and its dedication to the ideals of scholarship make it the signature of the quality of the academic program.

#### Conclusion

The moving finger writes of The Ohio State University College of Law down to the University's Centennial. From humble and sometimes precarious beginnings this College has progressed during the years and has taken its place of leadership in legal education. Its present supporters, inspired by their predecessors, fervently hope for continued progress; so that when the finger moves again the record will disclose the highest order of service by this College to legal education and to the upbuilding of the profession.